

AO 91 (Rev. 11/11) Criminal Complaint

## UNITED STATES DISTRICT COURT

for the

Northern District of Alabama

United States of America )

v. )

Roberto Carlos Lopez-Calles )

Case No. )

Mag 19-16 )

\_\_\_\_\_  
*Defendant(s)*

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of December 31, 2018 in the county of Shelby in the  
Northern District of Alabama, the defendant(s) violated:*Code Section**Offense Description*

18 USC 922(g)(5)(A)

Illegal or Unlawful Alien in Possession of a Firearm

This criminal complaint is based on these facts:

See attached affidavit.

☒ Continued on the attached sheet.*Complainant's signature*

DHS Special Agent Richard Rogers

*Printed name and title*

Sworn to before me and signed in my presence.

Date: 1-17-19*Judge's signature*City and state: Birmingham, AL

Chief U.S. Magistrate Judge John E. Ott

*Printed name and title*

**AFFIDAVIT IN SUPPORT OF A CRIMINAL COMPLAINT**

I, Richard B. Rogers, being duly sworn, depose and say:

1. I am a Special Agent with the United States Department of Homeland Security (DHS), Immigrations and Customs Enforcement (ICE), Homeland Security Investigations (HSI), assigned to the Assistant Special Agent in Charge in Birmingham, Alabama. I have been employed as a Special Agent with HSI since May 1999. One of my principal assignments is to investigate potential violations of the United States Code relating to Title 8—Aliens and Nationality—and related firearms violations under 18 U.S.C. § 922(g)(5)(A) (Illegal or Unlawful Alien in Possession of a Firearm).

2. I submit this affidavit in support of a criminal complaint charging Roberto Carlos LOPEZ-Calles with violating 18 U.S.C. § 922(g)(5)(A).

3. This affidavit is based on information known to me personally and information I have learned from other members of law enforcement and/or lay witnesses. This affidavit does not contain all of the information I know about this matter.

4. On or about December 31, 2018, the Hoover Police Department (HPD) received reports that unknown persons were illegally hunting on private property in Shelby County, Alabama. Local authorities responded to the scene, where they encountered Marvin Esau SOMOZA-Hernandez, Joel Antonio TEJADA-Ardon,

LOPEZ, and Juan Carlos PERAZA (also known as Juan Carlos Calles). Each individual was carrying a firearm—collectively, a Remington Model 783 rifle, a Winchester Ranger 30-30 rifle, a 12-gauge Stevens Model 320 shotgun, and a 20-gauge Mossberg Model 88 shotgun. The individuals had deer blood and hair on their clothing, and admitted to killing at least one deer. They did not have hunting licenses or permission to be on the property.

5. Local authorities called ICE, suspecting that the individuals were illegally and unlawfully in the United States. An ICE agent arrived on scene shortly thereafter and determined that each individual was a native and citizen of El Salvador who was illegally in the United States. The individuals were taken into ICE custody and transported to the Birmingham ICE office.

6. On or about January 2, 2019, I advised SOMOZA, TEJADA, LOPEZ, and PERAZA individually of their *Miranda* rights. TEJADA, LOPEZ, and PERAZA voluntarily waived their *Miranda* rights and agreed to speak to law enforcement; SOMOZA stated that he wanted an attorney, but on January 3, 2019, voluntarily requested to answer questions without an attorney.<sup>1</sup>

7. In the interviews, all four individuals stated they were citizens and

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<sup>1</sup> Before interviewing SOMOZA on January 3, I re-advised him of his *Miranda* rights. SOMOZA voluntarily waived his rights and agreed to speak to law enforcement.

nationals of El Salvador who entered and remained in the United States illegally.<sup>2</sup> Each also admitted to hunting with a firearm. SOMOZA stated that he had used the .270 rifle, referring to the Remington Model 783; TEJADA stated that he had used Winchester Ranger 30-30 rifle, which belonged to him; LOPEZ stated that he had used the 12-gauge shotgun, referring to the Stevens Model 320; and PERAZA stated that he did not know which gun he had used.

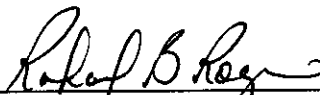
8. A check of immigration databases reveals no pending petitions for SOMOZA, TEJADA, LOPEZ, or PERAZA to adjust status to remain in the United States lawfully.

9. The Remington Model 783 rifle, the Winchester Ranger 30-30 rifle, the 12-gauge Stevens Model 320 shotgun, and the 20-gauge Mossberg Model 88 shotgun were manufactured outside the state of Alabama, thus affecting interstate or foreign commerce.

10. Based on these facts, I respectfully submit there is probable cause to establish that Roberto Carlos LOPEZ-Calles violated 18 U.S.C. § 922(g)(5)(A).

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<sup>2</sup> TEJADA stated that he had had Temporary Protection Status with work authorization, but admitted that his documents were expired.



Richard B. Rogers, Special Agent  
U.S. Department of Homeland Security  
Immigration and Customs Enforcement  
Homeland Security Investigations

Sworn to and subscribed before me on January 17th, 2019.



John E. Ott  
Chief United States Magistrate Judge  
Northern District of Alabama